



## FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### COMMISSIONER WILTON SIMPSON

#### **A BRIEF SUMMARY OF THE NURSERY INSPECTION LAW**

(<https://www.fdacs.gov/Agriculture-Industry/Plants-and-Nurseries/Plant-Inspection>)

**NURSERY STOCK DEFINED**—Nursery stock for the purposes of all Division of Plant Industry Rules, means all plants, trees, shrubs, vines, buds, vegetable and field crop plants, flowering annual plants, aquatic plants, corms, tubers, bulbs, cuttings, grafts and scions thereof, grown or kept for propagation, sale or distribution; **EXCEPT** seeds, lawn or pasture grasses, cut flowers, cut ferns, and cut foliage (greens) are specifically exempted from nursery stock classification for registration purposes, when apparently free from injurious plant pests.

1. **INSPECTION** - Nursery stock must be inspected by a Plant Protection Specialist of the Division of Plant Industry prior to sale or distribution. (Distribution is defined as the movement of nursery stock from the property where grown or kept to any other property that is not contiguous thereto, regardless of the ownership of the properties concerned.) Also, if sold by grade, stock must be graded and labeled as prescribed by the Division of Plant Industry. Requests for inspection should be made at least 30 days in advance of the movement of stock. If a special inspection is required, it will be necessary for the nurseryman to defray the cost of such an inspection.
2. **REGISTRATION FEE** – Every nurseryman, nursery stock dealer, plant broker, and agent must pay an annual certificate of registration fee, which shall expire 12 months following date of issue. (Exception: Government agencies producing nursery stock for research purposes, or for the landscaping of government-owned land only, are exempt from the payment of fees.) The law makes no provisions for exemption from payment of this fee due to a person's disability or age. The certificate of registration must be renewed before expiration date.
3. **NURSERYMAN** – Any person engaged in the production of nursery stock for sale or distribution, including own-use nurseries. The certificate of registration fee shall be determined by the amount of nursery stock for sale or distribution that is in the nursery at the time of inventory and shall not exceed \$460. For field produced vegetable transplants, bulbs, corms and tubers, the certificate of registration fee shall be based on the amount of planted acreage. The penalty fee for late payment will be \$10 or 20% of the fee, whichever is greater.

| <u>Number of Plants</u> | <u>Amount of Fee</u> | <u>Number of Plants</u> | <u>Amount of Fee</u> |
|-------------------------|----------------------|-------------------------|----------------------|
| 1 – 1,000               | \$35.00              | 100,001 – 200,000       | \$300.00             |
| 1,001 – 5,000           | \$50.00              | 200,001 – 300,000       | \$350.00             |
| 5,001 – 25,000          | \$100.00             | Over 300,000            | \$460.00             |
| 25,001 – 100,000        | \$200.00             |                         |                      |

Schedule of fees determined by planted acreage for field produced vegetable transplants, field produced bulbs, and field produced corms and tubers shall be as follows:

| <u>Number of Acres</u> | <u>Amount of Fee</u> | <u>Number of Acres</u> | <u>Amount of Fee</u> |
|------------------------|----------------------|------------------------|----------------------|
| 1 - 15                 | \$50.00              | 46 - 60                | \$400.00             |
| 16 - 25                | \$100.00             | 61 - 80                | \$450.00             |
| 26 - 35                | \$200.00             | Over 81                | \$460.00             |
| 36 - 45                | \$300.00             |                        |                      |

Schedule of fees determined by planted acreage for certified turfgrass shall be as follows:

| <u>Number of Acres</u> | <u>Amount of Fee</u> | <u>Number of Acres</u> | <u>Amount of Fee</u> |
|------------------------|----------------------|------------------------|----------------------|
| 1 - 200                | \$50.00              | 801 – 1,000            | \$400.00             |
| 201 - 400              | \$100.00             | 1,001 – 3,000          | \$450.00             |
| 401 - 600              | \$200.00             | Over 3,000             | \$460.00             |
| 601 - 800              | \$300.00             |                        |                      |

Certification of turfgrass trays will be inventoried for fee on a one to one basis.

NURSERY STOCK DEALERS, PLANT BROKERS, and AGENTS shall furnish the Division of Plant Industry, Bureau of Plant Inspection, with a list of locations and addresses each year. The certificate of registration fee for a stock dealer with an inventory of less than 5,000 plants shall be \$25.00 per location and the certificate of registration fee for a stock dealer with an inventory of 5,000 or more plants shall be \$69.00 per location.

NURSERY STOCK DEALER – Any person not a grower of nursery stock who buys or otherwise acquires nursery stock for the purpose of reselling or reshipping independently of any control of the nurseryman.

PLANT BROKER – Any person who transacts the transfer of plants from a seller to a buyer and who may or may not be in actual physical possession of the plants.

AGENT – Any person selling or distributing nursery stock under the partial or full control of a nurseryman.

CERTIFIED TURFGRASS - Turfgrass produced for purposes of ornamental ground cover by an individual who has requested certification in order to comply with plant quarantine restrictions or phytosanitary requirements. Pasture or forage grasses are specifically excluded from this definition.

4. INSPECTION TAGS – A valid inspection tag issued by the Division of Plant Industry shall be required:
  - a. On each movement or shipment of nursery stock intended for resale within the state.
  - b. On all out-of-state movements.
  - c. On every separate package, bundle, box, or container of nursery stock that is shipped by mail, express, common carrier, etc., whether in state or out-of-state.
  - d. On all citrus nursery stock movements.

Inspection tags shall not be required on nursery stock (other than citrus) that is sold or distributed directly to the ultimate owner and destined to be utilized within state when such stock has been inspected and approved by the Division.

5. CITRUS NURSERY STOCK SITE APPROVAL – All new plantings of citrus nursery stock, including all new blocks, must be planted on sites approved by the Division of Plant Industry. Each crop of nursery stock must be sampled prior to movement from the nursery, and the Division must be notified at least 6 months prior to such movement.
6. BURROWING NEMATODE INSPECTION – Before nursery stock may be moved to within 100 feet of commercial citrus-producing areas, it must be certified free from nematodes injurious to citrus by the Division of Plant Industry prior to movement. It shall be the owner's responsibility to see that encroachment from non-certified sources does not disqualify his nursery site or jeopardize his grove property. A special burrowing nematode inspection tag must accompany nursery stock moved to commercial citrus areas.
7. CITRUS BUDWOOD PROTECTION PROGRAM – This is a mandatory program for the purpose of regulating the distribution, sale and use of citrus propagation material in order to insure that growers and nurserymen are producing citrus trees that are free from certain bud-transmissible diseases. Anyone anticipating supplying citrus seed, budwood or propagating citrus trees for sale or distribution should contact the Bureau of Citrus Budwood Registration Office, Florida Department of Agriculture & Consumer Services, Division of Plant Industry, 3027 Lake Alfred Road (US 17), Winter Haven, FL 33881. Telephone: (896) 298-3041.
8. INTRASTATE AND INTERSTATE SHIPMENTS – All shipments of plant material must meet intrastate and interstate regulations, please see the following link for shipping requirements to other states:  
<http://nationalplantboard.org/laws-and-regulations/>
9. **ALL CITRUS PLANTS AND PROPAGATIVE PARTS (Scions, Grafts and Budwood) ARE PROHIBITED ENTRY INTO FLORIDA.** If further information is needed regarding the above restrictions, please contact your local Division of Plant Industry Plant Protection Specialist in one of our local offices.

Any person who fails to comply with any provision of Florida's Nursery Inspection Laws shall be subject to penalties as provided by Sections 581.141 and 581.211, Florida Statutes.

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